

**CONOCOPHILLIPS COMPANY ("CONOCOPHILLIPS"),  
ON BEHALF OF PHILLIPS PETROLEUM COMPANY,  
TOSCO CORPORATION AND ASSETS OF 76 PRODUCTS COMPANY**

**RESPONSES TO JANUARY 18, 2008  
EPA FIRST REQUEST FOR INFORMATION  
PORTLAND HARBOR SUPERFUND SITE  
PORTLAND, OREGON**

**NOTICE OF VIOLATION AND  
NOTICE OF NONCOMPLIANCE**

**RESPONSE TO QUESTION 51**

**USEPA SF**



**1363570**

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**TOSCO**

**Memorandum**

30 July, 1999

To: Steve Gloeckner  
Gary LeFebvre

From: Sandra A. Matthews *AM*

Re: HES Hazardous Waste Inspection

On July 14, 1999, I completed a hazardous waste inspection to review, in greater detail, the issues that were brought up during the RCRA inspection with the DEQ. The inspection reflects a number of issues that have been resolved in response to the DEQ inspection; however, it also reveals areas that could use improvement.

One of the issues that was discussed in both the DEQ and EPA inspections was the evidence of spills and leaks that have not been cleaned up. The spill and/or leak cleanup requirement is also part of our SPCC, FRP, and Storm Water Pollution Control (SWPC) plans. During our meeting on July 14, 1999, we discussed hiring a contractor to clean up these spills. I have attached a series of site plans noting the areas where recent spills have occurred and that were not cleaned up. Please use the attached as a cleanup guide.

The other issues listed in the inspection are a result of not having procedures or policies in place to assist terminal personnel in determining hazardous waste streams, generation, disposal, universal waste handling, and cleanup. Therefore, I will be developing a series of hazardous waste procedures for the northwest terminals that can be used as a guide for resolving these issues. I believe I had suggested covering hazardous waste determination in the fourth quarter; therefore, I would like to review these procedures at that time.

Although not indicated in the inspection, but an item I noticed during the inspection is the status of overall good housekeeping practices at the terminal. Good housekeeping practices are strongly recommended best management practices that have been incorporated into Portland's SWPC Plan and have not been kept up with over the past year. There are pump pads that are coated with oil, buckets of product left at the pump pads, debris throughout the paved areas, and there are used absorbent pads discarded throughout the terminal. Keeping facility clean and free of heavy oil stains and spills to bareground is a good practice that I suggest should be a part of the terminal's daily operation. Once these practices become part of the terminal's daily operation, there should

A-100-10-200016  
JUL 30 1999

Steve,

8/4/

Please develop a plan including a timeline to address the issues Sandy lists in her memo. I support her recommendations as "good" practices that we need to incorporate into our daily procedures. Please copy Sandy & I on OK R


cc S.  
Matthews



## Memorandum

30 July, 1999

To: Steve Gloeckner  
Gary LeFebvre

From: Sandra A. Matthews 

Re: HES Hazardous Waste Inspection

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be less occurrences of long term staining and oil accumulation that would require expensive cleanup. A good example of keeping up with good housekeeping practices is the F-Tank Farm row; the containment area and pumps are always kept clean.

Although not strictly prohibited by the wastewater permit, the draining of absorbent pads at the process water catch basin is not a good practice. The absorbent pads are left to "drain" for extended periods of time. Per our meeting on July 14, I suggest that we use one of the spare portable sump tanks to drain the absorbent pads. In addition, the operators and/or maintenance personnel should be segregating gasoline soaked absorbent pads from other pads generated at the facility. The gasoline soaked pads will have to be disposed of as hazardous waste; they should not be airing those pads out.

If you have any questions regarding this inspection or any of the results, please call me at x1552.

Cc: A. Rogers  
Correspondence Files  
Terminal Files

**SOLID WASTE AND HAZARDOUS WASTE REGULATIONS  
40 CFR PART 261, 262, 264, 265**

Facility Name: <u>Portland Terminal</u>		Yes	N/A	Comments
<b>1</b>	<b>SOLID WASTE</b>			
A	Is the solid waste storage area(s) clean and free of debris and leaks? [243.200-1(a)]	X		
B	Is the solid waste stored in containers of adequate size and sufficient in numbers? [243.200-1(a)]	X		Some almost too full
C	Are the containers in good condition and free of leaks? [243.200-1(a)]	X		
<b>2</b>	<b>HAZARDOUS WASTE</b>			
A	Does the facility maintain an inventory of the waste streams for the facility (good practice)?			DRAFT WASTE STREAMS OUT FOR REVIEW
B	Does the facility segregate wastes into non-solid wastes, solid wastes, potentially hazardous, and hazardous waste? [262.11]			Problems w/ liquid wastes such as solvents (i.e., thinners, paints, etc.)
C	Does the facility utilize hazardous waste determination methods (testing or knowledge of process) to identify whether or not the waste is hazardous or non-hazardous? [262.11(c)]			↓
D	Does the facility have an EPA identification number? List number in comment section. [262.12(a)]	X		OK D087458146
E	Does the facility take immediate action to repair, correct, contain, and/or clean up spills or releases? [OAR 340-108-0030]			Evidence of leaks and spills throughout (see attached)
<b>F</b>	<b>Manifest Requirements</b>			
(1)	Does the facility generate a hazardous waste manifest for all hazardous wastes transported off-site? [262.20(a)]	X		
(2)	Are the manifests completed properly? [262.20(b)]	X		
(3)	Does the facility maintain a copy of the manifest once signed and accepted by the transporter? [262.23(a)(2)]	X		
(4)	Does the facility maintain a copy of the signed manifest (within 35 days of shipment) once accepted by the designated facility? [262.40(a)]	X		
(5)	Does the facility retain a copy of the certificate of disposal or a list of waste management codes generated by the disposal site?			In most cases
<b>G</b>	<b>Recordkeeping Requirements</b>			
(1)	Does the facility maintain a copy of each manifest for three years from the date the waste was accepted by the initial transporter? [262.40(a)]	X		
(2)	Does the facility maintain a copy of the annual hazardous waste report submitted the DEQ? [OAR 340-102-041]	X		
(3)	Does the facility maintain records of any test results, waste analyses, or other determinations made for a period of three years? [262.40(c)]	X		
<b>H</b>	<b>Accumulation Periods</b>			
(1)	Does the facility accumulate waste for periods for <90 days during months when the facility is a large quantity generator (generates waste >2,200 lbs of hazardous waste or spill cleanup debris containing hazardous waste)? [262.34(a)]			Unknown, accumulation takes not on drums
(2)	Does the facility accumulate waste for periods <180 days during months when the facility is a small quantity generator (generates waste <2,200 lbs of hazardous waste or spill cleanup debris containing hazardous waste) as long as the total waste accumulated on site never exceeds >2,700 lbs? [262.34(d)]	X		
<b>I</b>	Is the waste placed in containers, tanks, on drip pads, or in containment buildings? [262.34(a)(1)(i)(iv)]	X		
<b>J</b>	<b>Drip Pad Requirements</b>			
(1)	Does the facility have a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days? [262.34(1)(iii)(A)]			Procedure should be written
(2)	Does the facility document each waste removal, including the quantity of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal? [262.34(7)(iii)(B)]			↓

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Baseline Inspection

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**SOLID WASTE AND HAZARDOUS WASTE REGULATIONS**  
**40 CFR PART 261, 262, 264, 265**

Facility Name: <u>Portland Terminal</u>		Yes	N/A	Comments
<b>K</b>	<b>Containment Building Requirements</b>			
<b>(1)</b>	<b>Written Description of Procedures</b>			
(a)	Does the facility have a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days? [262.34(a)(1)(iv)(A)]		X	
(b)	Does the facility have a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit? [262.34(a)(1)(iv)(A)]		X	
(c)	Does the facility maintain documentation that the procedure is complied with? [262.34(a)(1)(iv)(A)]		X	
(2)	Does the facility maintain documentation that the unit is emptied at least once every 90 days? [262.34(a)(1)(iv)(B)]		X	
<b>L</b>	<b>Requirements for Containers</b>			
(1)	Does the facility mark the containers with the date upon which each period of accumulation begins? [262.34(2)]?			accumulation dates not listed
(2)	Is each container labeled or clearly marked with the words "Hazardous Waste?" [262.34(a)(3)]			Waste that could be haz, labeled not haz. w/o "lab analysis per"
(3)	Are the containers in good condition (leaks or corrosion)? [265.171]			some drums are leaking
(4)	If the containers are not in good condition, or if they begin to leak, does the facility transfer the hazardous waste to a container that is in good condition? [265.171]			↓
(5)	Are the containers closed during storage, except when it is necessary to add or remove waste? [265.173(a)]	X		
(6)	Does the facility conduct weekly inspections of the storage area, looking for leaks and for deteriorations caused by corrosion or other factors? [265.173(b)]			inspection should be written into a procedure
(7)	Are the containers holding ignitable or reactive waste located at least 50 feet from the facility's property line? [265.176]	X		
(8)	Does the facility ensure that drums are stored outside of diked areas? [Uniform Fire Code]			storage area to be moved out of Tank Farm 1
(9)	Does the facility ensure that combustible materials are kept outside of diked areas? [Uniform Fire Code]			in 1999 ↓
(10)	Are the drums located within secondary containment with enough capacity to contain the waste of the largest container? [SPCC requirements]	X		
<b>M</b>	<b>Satellite Accumulation Requirements</b>			
(1)	Does the facility accumulate hazardous waste at the point of generation? [262.34(c)]	X		
(2)	Does the facility ensure that <55 gallons is accumulated at the point of generation? [262(c)(1)]	X		
(3)	Is the satellite accumulation area at or near the point of generation? [262(c)(1)]			outside lab on catwalk
(4)	Are the containers in good condition (leaks or corrosion)? [265.171]	X		
(5)	If the containers are not in good condition, or if they begin to leak, does the facility transfer the hazardous waste to a container that is in good condition? [265.171]		X	
(6)	Are the containers closed during storage, except when it is necessary to add or remove waste? [265.173(a)]			open buckets
(7)	Are the containers marked with either the words "hazardous waste" or with other words that identify the contents of the containers? [262(c)(1)(ii)]			Not labeled or labeled with "lube oil"

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**SOLID WASTE AND HAZARDOUS WASTE REGULATIONS**  
**40 CFR PART 261, 262, 264, 265**

Facility Name: <u>Portland Terminal</u>		Yes	N/A	Comments
(8)	Does the facility ensure that the waste is moved to hazardous waste storage within three days of exceeding 55 gallons? [262(c)(2)]			<i>Process will be reviewed</i>
(9)	Are the containers marked with the date the excess accumulation of hazardous waste with the date the excess amount began accumulating? [262(c)(2)]			↓
<b>N</b>	<b>Preparedness and Prevention Requirements</b>			
(1)	Is the facility equipped with an internal communications or alarm system capable of providing immediate emergency notification to personnel? [265.32(a)]	X		
(2)	Is the facility equipped with a device capable of summoning emergency assistance from outside agencies? [265.32(b)]	X		
(3)	Is the facility equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment? [265.32(c)]	X		
(4)	Is the facility equipped with adequate water sources for fire suppression? [265.32(d)]	X		
(5)	Is the emergency equipment maintained as necessary to assure its proper operation in times of emergency? [265.33]	X		
(6)	Are personnel equipped with emergency communication devices during hazardous waste operations? [265.34]	X		
(7)	Does the facility maintain aisle space to allow the unobstructed movement of personnel and emergency equipment to the area of operation in an emergency? [265.35]	X		
<b>O</b>	<b>Contingency Plan Requirements (elements of this plan can be incorporated into an existing plan)</b>			
(1)	Does the facility have a current Contingency Plan? [265.51(a)]	X		<i>included in emergency and crisis manual</i>
(2)	Does the Contingency Plan include a description of emergency actions? [265.52(a)]	X		
(3)	Does the plan describe arrangements with external emergency response agencies? [265.52(c)]	X		
(4)	Does the plan include a list of emergency coordinators? [265.52(d)]	X		
(5)	Does the emergency coordinator list indicate who the prime coordinator is? [265.52(d)]	X		
(6)	Does the plan include a list of emergency equipment? [265.52(e)]	X		
(7)	Does the plan include an evacuation plan? [265.52(f)]	X		
(8)	Does the facility have at least one employee at the facility or on call at all times? [265.55]	X		↓
<b>P</b>	<b>Personnel Training Requirements</b>			
(1)	Are personnel conducting hazardous waste management activities trained (classroom or on-the-job training) to perform their duties in a way that ensures that the facility will be in compliance with applicable RCRA regulations? [265.16(a)(1)]	X		<i>(Roger is only person trained to conduct this activity)</i>
(2)	Does a person trained in hazardous waste management procedures and implementation of the contingency plan conduct the training? [265.16(a)(2)]	X		
(3)	Are personnel retrained annually? [265.16(c)]	X		
(4)	Does the facility maintain documents regarding the job title of each position at the facility relating to hazardous waste management, the individuals in those positions, and written job descriptions for those individuals? [265.16(d)]	X		
(5)	Are training records on current personnel kept on file until the closure of the facility and for a period of three years for former employees? [265.16(e)]	X		

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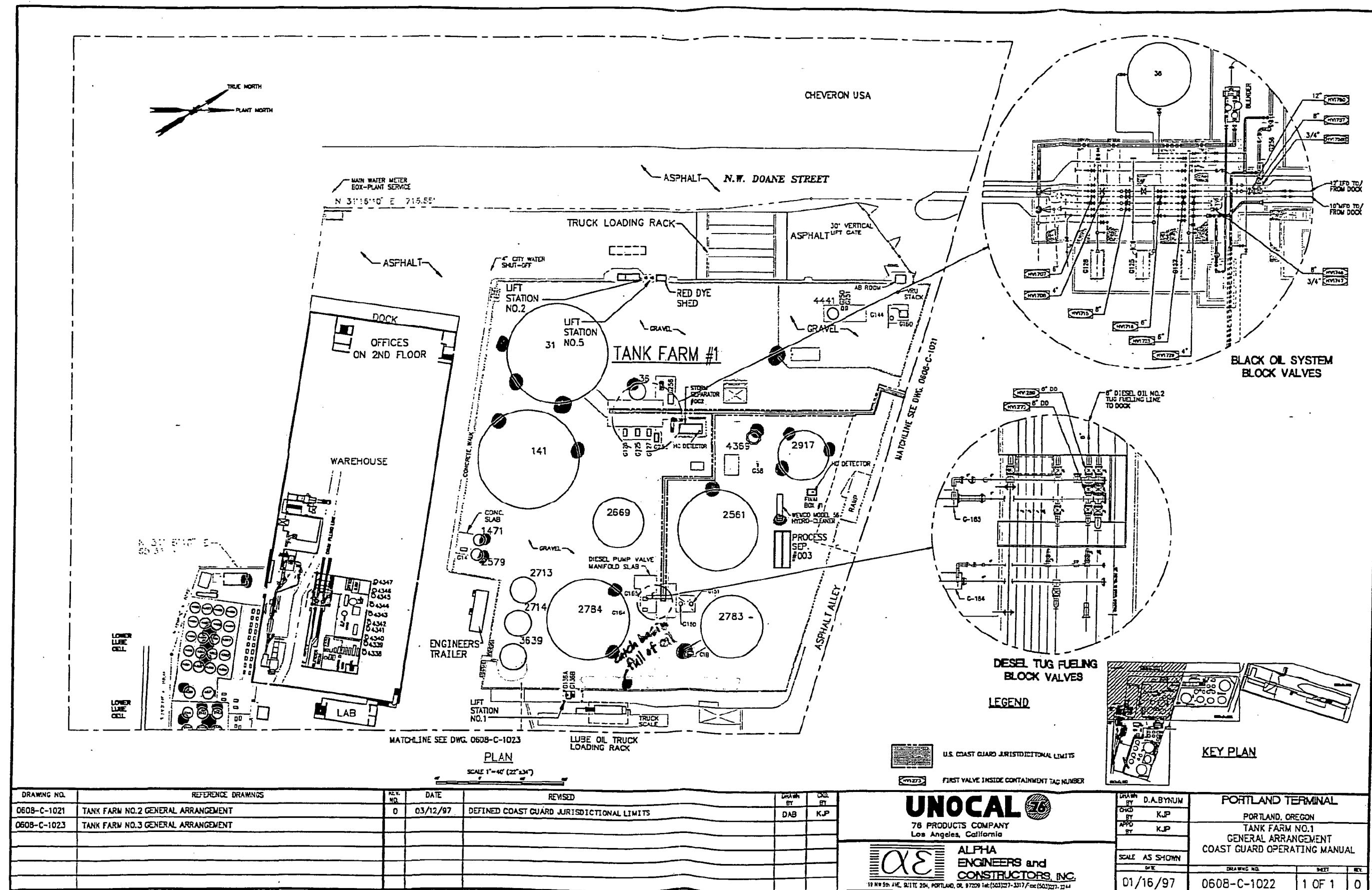
**SOLID WASTE AND HAZARDOUS WASTE REGULATIONS**  
40 CFR PART 261, 262, 264, 265

Facility Name: <u>Portland Terminal</u>		Yes	N/A	Comments
<b>3</b>	<b>UNIVERSAL WASTE</b> (lead-acid batteries, mercury containing lamps, and commercial batteries such as lithium-ion or nickel cadmium)			
A	Is the facility a small quantity universal waste generator (generates <2,200 lbs)? [273.6]	X		
B	Does the facility manage waste batteries in a way that prevents the release of the waste into the environment? [273.13(a)]	X		
C	Does the facility contain any batteries that show evidence of leakage, spillage, or damage? [273.13(a)(1)]			Batteries look okay
D	Are the universal waste batteries or containers labeled with "universal waste - battery" or "waste batteries"? [273.14(a)]			need labels
E	Are universal waste [fluorescent] mercury containing batteries or containers labeled with "universal waste - mercury-containing lamps," "waste mercury containing lamps" or "used mercury containing lamps"? [OAR 340-113-0030]			No procedure or process
E	Is the universal waste stored for no longer than a period of one year? [273.15(a)]			↓
F	Is the facility able to demonstrate the length of time the universal waste has been accumulated from the date it becomes a waste? [273.15(c)]			
G	Does the facility only send universal waste to a universal waste handler or a destination facility? [273.18(a)]			
<b>4</b>	<b>USED OIL</b>			
A	Is the used oil stored in a tank or container? [279.22(a)]	X		
B	Is the tank in good condition and not leaking? [279.22(b)]	X		
C	Is the tank labeled or marked with the words "used oil"? [279.22(c)]	X		
D	Does the facility ensure that only transporters with an EPA identification number transport the used oil? [279.24]	X		

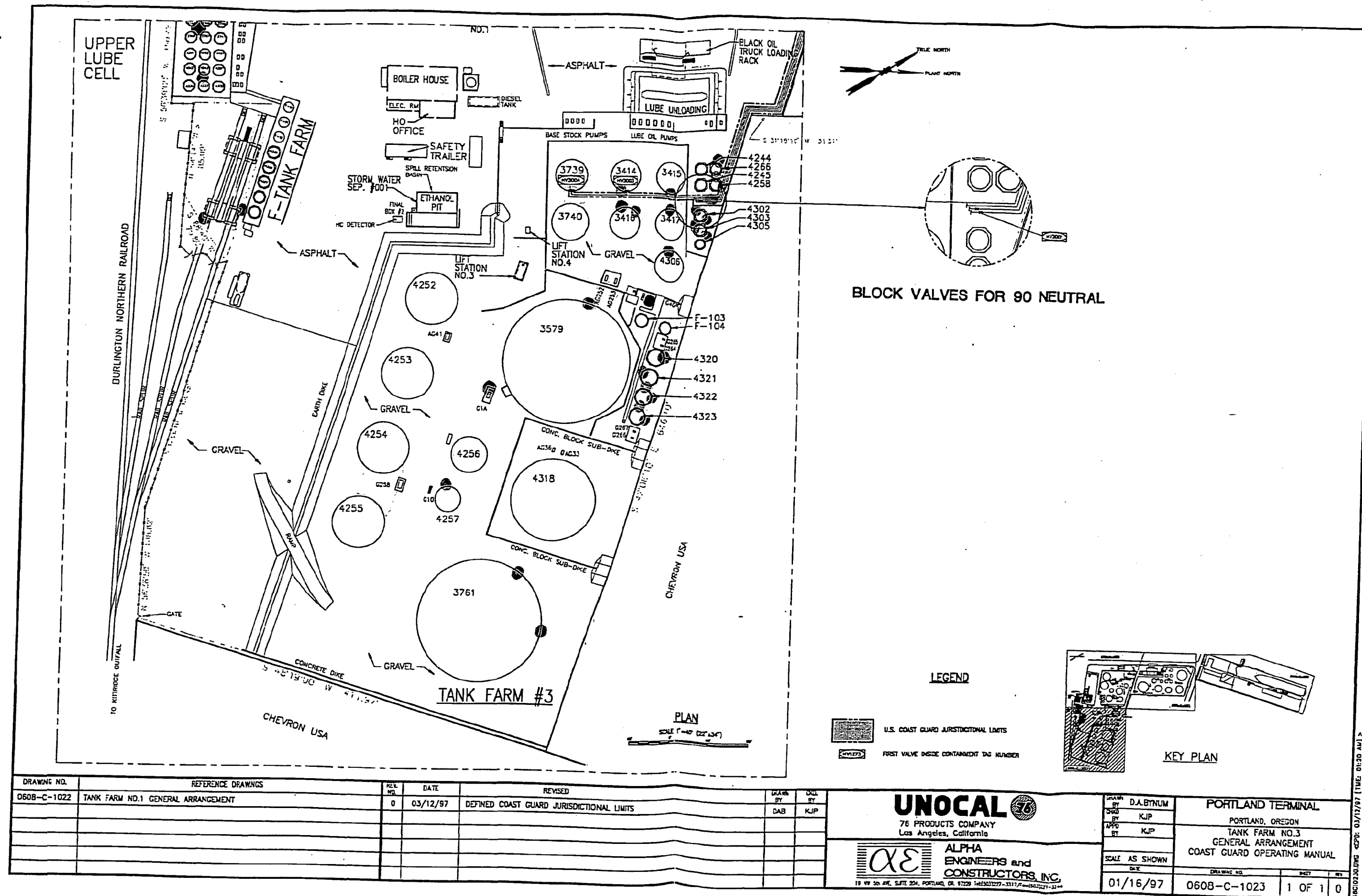
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cc: Gary LeFebvre

# XAFL

**TRANSMISSION MAY CONTAIN RECLASSIFIED  
AND CONFIDENTIAL INFORMATION**

The information in this document is released by the National Archives and Records Administration pursuant to the President John F. Kennedy Library Act of 1964, which requires that all records relating to the life and administration of President John F. Kennedy be made available to the public as soon as possible after his death.

PRE: SCOTT GILFILLAN

**Coastal Clean Sweep Inc.**  
**9030 N.W. 81 Highway Road**  
**Portland, OR 97221**

~~FROM~~ ~~SECRET~~  
FAC ~~SECRET~~

02 003 14477      WA 00712-0457

To: Torco

~~Answer:~~ Sandy Matthews

File: 1248-1592

~~Phone~~ 1 248-1552

**8-27-99**

Page: 3

Re: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**References**

\_\_\_\_\_

**JONCO Portable Restrooms**  
**COWLITZ CLEAN SWEEP, INC.**



INTERNATIONAL WAY, LONGVIEW, WA 98043 TEL: (509) 423-6316 FAX: (509) 423-2100



Aug. 27, 1999

Sandy Matthews  
 TOSCO Distribution Company  
 5528 NW Doane St.  
 Portland, Oregon 97210

Dear Sandy:

Cowlitz Clean Sweep, Inc. (CCS), is pleased to provide the following proposal to excavate Petroleum contaminated soils from various areas of tank farms 1,2,3 as outlined during our site visit of the TOSCO Portland Terminal. As you've requested, I have broken out the proposal into five areas of concern.

General tank farm 1,2,3 area: \$ 2080.00  
 Red Dye area: \$ 675.00  
 Tank 4255 area: \$ 455.00  
 Soils beneath pipes near Tank 2784: \$ 455.00  
 Profile, load, transport and dispose of est. 10 tons of contaminated soils: \$ 1646.00  
 Total estimated project cost: \$ 5311.00

All estimates are based on Time and Material not to exceed.

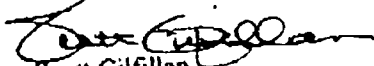
Scope of services for each work area to include the following:

- mob and demob of personnel and equipment
- remove top 3" of stained soils
- stockpile soils on 6 mil visqueen
- place imported ¾" minus crushed rock in the excavated areas
- soils will be transported to TPS for treatment by thermal desorption
- provide TOSCO will certification of treated soils

All work performed by CCS will be in strict compliance to all local, state and federal regulations, with a special emphasis placed on safety and protection to the environment.

CCS, Inc. appreciates the opportunity to present this proposal to TOSCO. If you should have any questions, please do not hesitate to contact me at (503)247-9466.

Respectfully,



Scott Gilfillan  
Portland Manager  
CCS, Inc.



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Environmental Quality

Northwest Region  
2020 SW Fourth Avenue  
Suite 400  
Portland, OR 97201-4987  
(503) 229-5263 Voice  
TTY (503) 229-5471

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

July 7, 1999

cc: G. Lefebvre  
S. Matthews

MS SANDRA MATTHEWS  
TOSCO DISTRIBUTION COMPANY  
PO BOX 76  
PORTLAND OR 97207

Re: HW - Multnomah County  
ORD087458196  
NWR-HW-99-048  
**NOTICE OF NONCOMPLIANCE**

Dear Ms. Matthews:

This Notice of Noncompliance (Notice) is issued in accordance with OAR 340-12-041(1) for hazardous waste, spill response, and used oil violations documented by the Oregon Department of Environmental Quality (DEQ) at the Tosco Distribution Company - Portland Terminal (Tosco) facility located at 5528 NW Doane Street, Portland, Multnomah County, Oregon.

The violations were observed during a hazardous waste inspection conducted on June 30, 1999. A copy of the inspection report is enclosed.

At the time of the inspection, Tosco was likely a small quantity hazardous waste generator (SQG - generate between 220 and 2,200 lb/mo hazardous waste); however, this generator status could not be positively identified because tank bottom wastes generated during the month of June were still undergoing characterization. Because Tosco has been a large quantity generator in the past (LQG - generate over 2,200 lb/mo hazardous waste), your documentation was reviewed for compliance with LQG standards.

The violations documented include violations of hazardous waste regulations (Oregon Administrative Rules or OAR). The Oregon Administrative Rules incorporate by reference regulations in Title 40 of the Code of Federal Regulations (40 CFR). For simplicity, violations of federal regulations are cited where applicable.

The purpose of this Notice is to inform you of violations that have been observed, and includes a section ("Requested Action") which specifies steps that you should take to come into compliance. Based upon your response, additional violations may be identified. You will be informed in a subsequent Notice if additional violations are identified.

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Ms. Sandra Matthews  
Tosco Distribution Company  
July 7, 1999  
Page 2

### ***POTENTIAL VIOLATIONS***

As previously noted, Tosco's hazardous waste generator status could not be conclusively determined on the date of the inspection. If the tank bottoms from gasoline storage tank no. 3407 are hazardous waste, then Tosco was a SQG on the date of inspection and these violations are valid. If the tank bottoms are nonhazardous, then Tosco was a conditionally exempt generator (CEG - generate less than 220 lb/mo hazardous waste) on the date of the inspection, and you may consider the violations cited in this section as informational only because they do not legally apply.

Regardless of the status of the waste from tank no. 3407, you should be aware of these violations, correct them, and consider the suggestions in the Requested Action section of this Notice. Tosco's generator status, which affects the regulatory requirements for your wastes, varies from month to month, so it is probably in your interest to always comply with the most stringent requirements that may apply.

**VIOLATION 1:** Tosco violated 40 CFR 262.34(c)(1)(ii) by failing to label a satellite accumulation container.

40 CFR 262.34 allows hazardous waste generators to store hazardous waste, without a permit, provided that specific storage requirements are followed. 40 CFR 262.34(c) allows hazardous waste generators to store waste near where the waste is originally generated, without storage time limitations, provided that certain management practices are followed ("satellite accumulation"). 40 CFR 262.34(c)(1)(ii) requires that satellite accumulation containers be marked with the container contents (e.g., "hazardous waste" or "waste solvent").

During the inspection it was observed that the laboratory at the Tosco facility generates waste stoddard solvent from flushing a viscosity measuring machine. This waste solvent exhibits the hazardous waste ignitability characteristic in 40 CFR 261.21 (waste code D001).

The viscosity measuring machine had a flask attached to collect the solvent flush. This flask is a satellite accumulation container and must be labeled with the contents; the flask was not labeled.

Ms. Sandra Matthews  
Tosco Distribution Company  
July 7, 1999  
Page 3

**VIOLATION 2:** Tosco violated 40 CFR 262.34(a)(2) by failing to label containers with accumulation start dates.

40 CFR 262.34(a)(2) requires that hazardous waste containers be labeled with the date upon which waste is first placed into the container ("accumulation start date"). Dating containers is important to ensure compliance with storage time limitations (180 days for SQGs, 90 days for LQGs).

As referenced in Violation 1, Tosco generates D001 waste in the laboratory. During the inspection there were four 5 gallon containers of waste solvent stored on the catwalk outside the laboratory. This storage location does not meet satellite accumulation criteria because it is not at or near the point where the waste is generated (the flask attached to the machine is the satellite accumulation container for this waste stream). None of the containers on the catwalk were labeled with an accumulation start date.

**VIOLATION 3:** Tosco violated 40 CFR 262.34(a)(3) by failing to label containers with the words "Hazardous Waste".

40 CFR 262.34(a)(3) requires that containers of hazardous waste be labeled with the words "Hazardous Waste". Labeling containers is important because it makes personnel aware of container contents.

As referenced in Violation 2, four 5 gallon containers of D001 waste were stored outside the laboratory. None of the containers were labeled with the words "Hazardous Waste".

**VIOLATION 4:** Tosco violated 40 CFR 262.34(a)(1)(i) and 265.173 by failing to keep containers of hazardous waste closed.

40 CFR 262.34(a)(1)(i) requires that generators comply with 40 CFR 265.173, which requires that containers of hazardous waste be closed except when necessary to add or remove wastes. Keeping containers closed prevents the release of volatile constituents and releases of hazardous waste in the event that containers are tipped over.

As referenced in Violations 2 and 3, Tosco stored four 5 gallon containers of D001 waste outside the laboratory. Three of the containers were not closed; two did not have lids and one had two lids loosely placed upon it.

Ms. Sandra Matthews  
Tosco Distribution Company  
July 7, 1999  
Page 4

## ***VIOLATIONS***

The following violations of spill response and used oil regulations were observed. These violations are not "potential" violations as described in the previous section of this Notice:

**VIOLATION 5:** Tosco violated OAR 340-108-020 by failing to take immediate action to clean up a spill.

OAR 340-108-020 requires that persons who had control over a hazardous material or petroleum product take immediate action to clean up a release. If the release is over a reportable quantity (e.g., 42 gallons for petroleum products), it must be reported immediately to the Oregon Emergency Response System (OERS) at 1-800-452-0311. Immediate cleanup of spills is important to limit the environmental impact of the spill, reduce cleanup costs, and maintain a clean facility.

During the inspection it was observed that a diesel fuel filtration unit had been serviced by having the old filters removed. The filters were placed upon a concrete pad which drained to the facility's process wastewater treatment unit. A portion of the filters overhung the edge of the concrete pad, allowing diesel fuel to spill onto the adjacent soil.

The quantity of diesel spill was likely less than 42 gallons, so the release is not a reportable quantity; however, OAR 340-108-020 requires that all spills be immediately cleaned up.

**VIOLATION 6:** Tosco violated 40 CFR 279.22(c) by failing to label a waste oil tank with the words "Used Oil".

40 CFR 279.22(c) requires that containers, tanks, sumps, and fill pipes which manage waste oil be labeled with the words "Used Oil". As previously referenced, labeling these storage units is important because it makes personnel aware of contents.

During the inspection it was observed that the truck shop at the Tosco facility has a sump and onground tank used for storage of waste oil prior to off-site shipment. The sump was labeled; however, the storage tank was not labeled with the words "Used Oil".

Ms. Sandra Matthews  
Tosco Distribution Company  
July 7, 1999  
Page 5

### ***REQUESTED ACTION***

***You are requested to take action to correct the violations and provide information concerning their correction. Please provide all of the information requested within ten (10) days of receipt of this Notice***

As we discussed during the inspection, I may not be in the DEQ office when your response is received. Please address your response to **Chuck Clinton, Hazardous Waste Manager.**

**Generator Status:** As referenced, Tosco generated approximately 800 lb. of gasoline tank bottoms during the month of June. ***Please provide analytical data and your determination of whether or not the tank bottoms are a hazardous waste.***

**Violations 1 - 4:** Violations 1 through 4 essentially occurred because Tosco has not identified and managed the solvent from the laboratory as a hazardous waste. Prior to the date of the inspection, Tosco has historically managed this waste by placing it into a slop oil tank, from which bunker oil is blended and sold to ships for fuel. You should be aware that hazardous wastes generated by SQGs or LQGs that is eventually burned for energy recovery is regulated by 40 CFR 266, which essentially requires a hazardous waste permit for the burning activity.

As an exception to the 40 CFR 266 requirements, 40 CFR 279.10(b)(2)(iii) allows mixtures of used oil and ignitable-only hazardous wastes (e.g., Tosco's stoddard solvent from the lab) to be managed as used oil, *provided that the mixture does not exhibit the ignitability characteristic.*

For future management of the lab solvent waste stream, you should implement one or more of the following practices (listed in order of preference):

1. Use the waste lab solvent as parts cleaning solvent in the truck shop parts washer instead of virgin kerosene. The lab solvent is relatively clean, and probably suitable for use in a parts washer. If you do this, the lab solvent is not a waste because it is being used as an effective substitute for a commercial product [40 CFR 261.2(e)(1)(ii)]. This will reduce the regulatory requirements on the lab solvent, eliminate the kerosene usage, and reduce the volume of hazardous wastes generated. Spent solvent waste from the parts cleaner can be managed according to one of the following paragraphs.
2. If the lab solvent is unusable in the truck shop parts cleaning unit, it may be mixed into the used oil waste stream. Prior to mixing, the solvent must be managed as a hazardous waste (counted for generator status, stored according to hazardous waste container

Ms. Sandra Matthews  
Tosco Distribution Company  
July 7, 1999  
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management standards, reported to DEQ annually, etc.). Also, you should ensure that the resulting used oil mixture does not exhibit the ignitability characteristic (i.e., the flashpoint is above 140°F).

3. The lab solvent may be managed as hazardous waste and shipped to a hazardous waste facility.
4. You may manage the lab solvent depending upon your facility's monthly generation rate. During months when Tosco is a CEG, you may still blend the solvent into the bunker fuel. However, when Tosco is a SQG or LQG, you must follow one of the above paragraphs. This option is *not recommended* because it unnecessarily complicates management of the waste stream.

***Please provide a written procedure that you will follow for future management of the solvent waste stream generated by the laboratory. Also, please provide photographs of properly labeled satellite accumulation containers (flasks) and waste storage containers.***

**Violation 5:** You should immediately take action to clean up the diesel fuel spill and take steps to prevent a recurrence.

***Please provide a summary of your cleanup activity, including volume of contaminated soil excavated, disposition of the contaminated soil, photograph of the area after remediation, and your criteria for evaluating the cleanup effectiveness (e.g., visual or sample data), and any procedural changes that you have implemented to prevent further releases from this process.***

**Violation 6:** You should immediately label the waste oil tank in the truck shop.

***Please provide a photograph showing that the tank has been labeled with the words "Used Oil".***

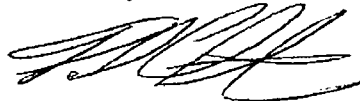
This Notice does not require you to implement Pollution Prevention. However, the Department strongly recommends that you consider Pollution Prevention options, where applicable, to prevent the violations outlined in this Notice from recurring. Pollution Prevention may also enable you to reduce environmentally driven costs, reduce operating costs, and reduce the regulatory requirements and fees applied to your firm. Please call our technical assistance staff for more information at (503) 229-5564.

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Tosco Distribution Company  
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The violations cited in this Notice include Class I violations, which are considered to be serious violations of Oregon environmental law. Should you fail to correct the violations or should similar violations recur, your file may be referred to DEQ's Enforcement Section with a recommendation to initiate a formal enforcement action. A formal enforcement action may include a civil penalty assessment for each day of violation.

Your cooperation in addressing the violations is appreciated, and we are looking forward to receiving the requested information. Please contact me at (503) 229-5556 or Chuck Clinton at (503) 229-5536 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Christiansen', with a stylized, cursive flourish at the end.

Paul Christiansen  
Environmental Engineer

encl.

cc: Hazardous Waste Policy and Program Development, DEQ-HQ

# HAZARDOUS WASTE COMPLIANCE EVALUATION INSPECTION

Oregon Department of Environmental Quality  
2020 SW Fourth, Suite 400  
Portland, Oregon 97201  
(503) 229-5263  
(503) 229-6945 (fax)

Facility: Tosco Distribution Company - Portland Terminal  
5528 NW Doane Avenue  
Portland, Oregon  
(503) 248-1552  
Multnomah County

Mailing Address: P.O. Box 76  
Portland, OR 97207

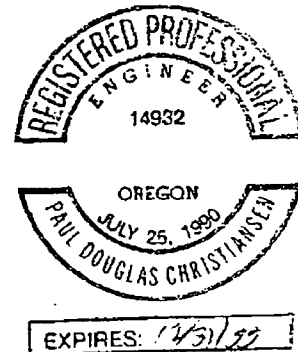
EPA/DEQ ID Number: ORD087458196

Inspection Date: June 30, 1999

Facility Representatives: Steve Gloeckner, Terminal Manager  
Sandra Matthews, NW Environmental Compliance Specialist  
Roger McGowne, Maintenance Manager

Inspector: Paul Christiansen, Environmental Engineer

Report By: [Signature] Date: July 6, 1999



## INTRODUCTION

On June 30, 1999, a hazardous waste inspection was conducted at the Tosco Distribution Company - Portland Terminal (Tosco) facility, located at 5528 NW Doane Street in Portland, Multnomah County, Oregon. Tosco is a bulk petroleum product distribution terminal.

At the time of this inspection Tosco was likely a small quantity generator (SQG - generate between 220 and 2,200 lb/mo hazardous waste); however, the facility was evaluated for compliance with Large Quantity Generator standards (LQG - generate over 2,200 lb/mo hazardous waste) because the facility is an episodic generator.

The facility's generator status is unknown at the time of this inspection, as two 55 gallon containers of gasoline tank bottom waste was undergoing characterization. If the two containers hold hazardous waste, Tosco was a SQG. If the containers do not hold hazardous waste, Tosco was a conditionally exempt generator (CEG - generate less than 220 lb/mo hazardous waste) at the time of this inspection.

The Tosco facility was previously owned by Unocal (Union 76); Unocal has been a registered hazardous waste generator at the site since 1981. Tosco first registered as a hazardous waste generator in March, 1997. For the 1997 and 1998 reporting years, Tosco has filed annual hazardous waste generator reports with DEQ and was a LQG each year.

Although Unocal was previously inspected for hazardous waste compliance, Tosco has never been inspected for hazardous waste compliance since assuming ownership.

Tosco has an air contaminant discharge permit (ACDP No. 26-2026) and a stormwater discharge permit (1300-J, File No. 90845) issued by DEQ. The Tosco facility is listed on DEQ's inventory of contaminated sites (site no. 177 - Unocal and site no. 1549 - Willbridge Bulk Fuel Area).

No pollution control complaints have been filed with DEQ since Tosco's assuming ownership of the facility.

### **INSPECTION SUMMARY**

A LQG inspection checklist is attached as Exhibit 1. Photographs taken during the inspection are attached as Exhibit 2.

At 1320 on June 29, 1999, I arrived at the Tosco facility and went to the main office. I introduced myself to the receptionist, and was directed to another building where I met the Terminal Manager, Mr. Steve Gloeckner, and the Northwest Environmental Compliance Specialist, Ms. Sandra Matthews.

Ms. Matthews provided a notebook that had hazardous waste manifests, land disposal restriction notifications, waste profiles, and annual DEQ reports for wastes managed by Tosco since 1997. Tosco had made two off-site shipments during this time, both had been reported to DEQ. The waste profiles indicated that the wastes were properly characterized. There was not a signed manifest for the off-site shipment made on April 8, 1998 to Eltex Chemical, Houston, Texas (manifest no. 02184). Ms. Matthews said that the return manifest was probably in the office of the maintenance manager, Mr. Roger McGowne.

Ms. Matthews said that Mr. McGowne was the person on-site who handled all of the hazardous waste, and she provided Mr. McGowne's training file. The file had certificates

indicating that Mr. McGowne had regularly attended a variety of training classes in environmental management and safety. The most recent hazardous waste-specific training was an eight hour class in Hazardous Waste Management on December 4, 1998. Ms. Matthews said that she and other facility employees also attended the same training.

Ms. Matthews, Mr. Gloeckner, and I went on a facility tour. Tosco is a bulk petroleum distribution facility that receives product via pipeline, vessel, truck, and rail. Bulk products are distributed by truck, primarily to BP and Union 76 stations. Containers of petroleum products are also handled at the facility.

We went to the laboratory. The primary hazardous waste generated by the lab is waste stoddard solvent generated from cleaning the viscosity measuring machine. Stoddard solvent flush (waste code D001 - hazardous waste ignitability characteristic) is generated at a rate of approximately 10 gallons (75 pounds) per month.

The waste solvent initially accumulates in a flask attached to the machine; the flask met satellite accumulation criteria but was not labeled (photo 1). The flask is emptied into five gallon buckets. There were four 5 gallon buckets of waste flush stored on the catwalk outside the lab (photo 2). The lid of the single closed bucket (three were open) was labeled "flush", two loose lids were partially covering one of the open buckets.

Ms. Matthews said that the waste flush is placed into an oil slops tank, from which bunker fuel is eventually blended and sold as fuel for ships.

We toured the tank farm area of the facility. The primary hazardous waste generated from the tank storage activity is tank bottoms from cleaning of gasoline tanks (waste codes D001 and D018 - benzene toxicity characteristic). This waste is generated episodically; Tosco cleans out individual tanks approximately once every twenty years for inspection.

The stormwater runoff from parking and outside the tank area is collected in oil/water separators (photo 3) and discharged to the Willamette River.

While walking through the tank farm, we observed filter units for diesel fuel. Filter cartridges had been removed from the units and placed upon the concrete pad for drainage to the process wastewater treatment system (photo 4). Some of the filters overhung the concrete, which caused drippage onto the gravel surrounding the pad. I estimated that the volume of the release was less than 42 gallons, so it was not reportable; however, the spill required cleanup.

Process wastewater (tank farm wastewater, tank bottoms, fueling area wastewater, etc.) is treated through gravity (API) separators (photo 5) and a dissolved air flotation (DAF) unit (photo 6) for discharge to the City of Portland publicly-owned treatment works. Petroleum wastes skimmed from the separators and DAF unit are returned to the slops tank for eventual blending into bunker fuel. No hazardous wastes are routinely generated from the treatment of stormwater or process wastewater; however, sludge which is episodically

cleaned from the separators may exhibit a hazardous waste characteristic (e.g., D018 - benzene toxicity).

We went to a locked cage where Tosco stores containerized wastes. There were a total of forty-two 55 gallon containers in storage. Forty of the containers held waste that was nonhazardous (oily water, dye additive, etc.). Two of the containers held tank bottoms from cleanout of a gasoline storage tank (tank no. 3407). One of these containers was dated June, 1999; the containers were marked with "nonhazardous waste" labels and "analysis pending" (photos 8, 9).

The Tosco representatives said that the containers were being analyzed to determine whether or not they were hazardous waste. They said that when storage tanks are cleaned out, they pump all of the contents and pumpable tank bottoms into another storage tank, rather than empty product from the tank to be cleaned and then disposing of all of the tank bottoms. In this manner, the tank bottoms are transferred to another tank; however, the volume of waste requiring off-site shipment is significantly reduced.

We went to Mr. McGowne's office and met Mr. McGowne. He had the signed return manifest for the April 8, 1998, off-site hazardous waste shipment that was not in Ms. Matthews' notebook.

We went to the gasoline truck fueling area. The fueling area is roofed and has sumps leading to the process wastewater treatment system. Ms. Matthews said that any gasoline spills that occur in the area are hosed into the drains with water.

We went to the truck shop, where maintenance is performed on vehicles. In the shop was one parts cleaner unit (photo 10). The truck shop manager said that kerosene is used as the solvent in the unit. Mr. Gloeckner estimated that the kerosene used has a flashpoint of approximately 125°F, so the spent solvent is an ignitable (D001) hazardous waste. The truck shop manager was not sure how much waste solvent is generated, and speculated approximately five gallons per month.

The solvent from the parts cleaner is drained into a sump (photo 11) or an onground waste oil tank (photo 12). A pump from the sump transfers fluid into the tank. The sump was labeled "used oil". The waste oil tank was unlabeled.

The truck shop had one 55 gallon container of waste antifreeze. The truck shop manager said that antifreeze was not routinely generated because the truck radiators are serviced off-site.

At 1510 we concluded the field tour and returned to the environmental office. Ms. Matthew provided a notebook of emergency response plans that included portions written for a variety of purposes (SPCC, RCRA, fire department, etc.). I reviewed the plans, and all of the required elements of hazardous waste contingency plans were present (emergency coordinator list, list and locations of response equipment, actions to be taken

in an emergency, evacuation plan, etc.). The contingency plan, along with other plans, had been submitted to or reviewed by local emergency responders.

I summarized my inspection observations for Ms. Matthews and Mr. Gloeckner as follows:

1. Tosco has been a LQG in the past, so I reviewed their records for compliance with LQG standards. All documents and records were complete and no violations were observed.
2. Tosco is usually a CEG, and routinely generates approximately 125 lb/mo hazardous waste. Hazardous wastes generated include D001 solvent waste from the lab, and D001 parts cleaner solvent from the truck shop.
3. Tosco may be a SQG for the month of June, 1999; however, this will not be known until the analytical results for the tank no. 3407 wastes are available. This waste volume is approximately 800 lb.
4. Management of solvent from the lab by placing it into a product (bunker oil) is not legal in months when Tosco is a SQG or LQG. Mixing ignitable-only solvent wastes into used oil is permissible.
5. A waste reduction practice that Tosco could implement is to use the solvent from the lab in the truck shop parts cleaner, as the lab solvent is still relatively clean. This would eliminate the kerosene product usage and reduce the facility's hazardous waste generation rate.
6. The used oil tank needs to be labeled with the words "used oil".
7. The tank no. 3407 data should be obtained as soon as possible and provided.

At 1545 I concluded the inspection and left the facility.

### **CONCLUSION**

Because the tank #3407 waste was undergoing characterization, it was difficult to determine Tosco's generator status on the date of the inspection. If Tosco was a SQG, the following violations occurred regarding the management of the lab solvents (these are *potential* violations):

1. 40 CFR 262.34(c)(1)(ii). The flask (satellite accumulation) attached to the viscosity machine was not labeled with the contents.
2. 40 CFR 262.34(a)(2). The four 5 gallon containers of solvent stored on the catwalk were not dated with accumulation start dates.

3. 40 CFR 262.34(a)(3). The four 5 gallon containers of solvent stored on the catwalk were not labeled with the words "Hazardous Waste".
4. 40 CFR 262.34(a)(1)(i), 265.176. Three containers of solvent stored on the catwalk were open.

The following violations were observed:

5. OAR 340-108-020. A spill of diesel fuel occurred and was not cleaned up immediately.
6. 40 CFR 279.22(c)(1). An onground waste oil tank was not labeled with the words "Used Oil".

**EXHIBIT 1**

***INSPECTION CHECKLIST***

# LARGE QUANTITY HAZARDOUS WASTE GENERATOR CHECKLIST

## Purpose and Explanation:

Hazardous waste generators are facilities that store or treat hazardous waste in tanks, containers, containment buildings, or drip pads and accumulate wastes for less than 90 days. Treatment in units other than tanks, containers, or containment buildings would require a hazardous waste treatment or disposal permit; storage for over 90 days would require a hazardous waste storage permit. The following is a general summary of requirements that could apply to a Large Quantity Hazardous Waste Generator (generate > 2,200 lb/mo hazardous waste).

Oregon has adopted all federal hazardous waste regulations pursuant to OAR 340-100-002. In addition to the federal hazardous waste regulations (40 CFR §§ 260 - 270), Oregon has state-only hazardous waste regulations (OAR Chapter 340, Divisions 100-120). The regulatory citations should be consulted for more specific information on individual requirements, as this summary is very generalized and not intended to encompass all aspects of the hazardous waste regulations.

In addition to hazardous waste regulations, this checklist also contains sections for Universal Hazardous Waste (UHW) and Used Oil Management. Although these wastes are not required to be managed as standard hazardous waste, their management is regulated by DEQ's hazardous waste program.

## General Information

Site Name TOSCO DISTRIBUTION COMPANY ID No. ORD 087458196

Address 5528 NW DOANE AVENUE  
P.O. Box 76  
PORTLAND, OR 97207  
MULTNOMAH COUNTY

Telephone Number (503) 248-1552

Facility Representatives/Titles SANDRA MATTEWS, ENVIRONMENTAL COMPLIANCE SPECIALIST  
STEVE GLOCKNER, TERMINAL MANAGER  
ROGER MCGOWNE, MAINTENANCE MANAGER

Inspectors PAUL CHRISTIANSEN, ENVIRONMENTAL ENGINEER

Inspection Date(s) JUNE 29, 1999

Oregon Department of Environmental Quality  
Northwest Region  
2020 SW Fourth, Suite 400  
Portland, Oregon 97201  
(503) 229-5263

HAZARDOUS WASTE GENERATOR REQUIREMENT	REGULATORY CITATION(S)	COMPLIANCE?			COMMENTS
		YES	NO	N/A	
<b>RECORDKEEPING AND REPORTING REQUIREMENTS</b>					
EPA Identification Number	40 CFR § 262.12 OAR 340-102-012	X			
Retain HW manifests (3 yrs)	40 CFR § 262.40	X			
Retain LDR notices (3 yrs)	40 CFR § 268.7(a)(8)	X			
Retain waste determination data (3 yrs)	40 CFR § 262.40(c) OAR 340-102-011(3)	X			
Annual reporting	OAR 340-102-041	X			
Retain annual reports (3 years)	OAR 340-102-040	X			
Hazardous waste generator fees	OAR 340-102-065	X			
<b>ACCUMULATION TIME LIMITS</b>					
On-site storage for < 90 days	40 CFR § 262.34(a)	X			180 days for SGL waste
<b>WASTE IDENTIFICATION REQUIREMENTS</b>					
Hazardous waste determination	OAR 340-102-011	X			Tank # 3407 - ANALYSIS APPROX
Volatile Organic waste determination (40 CFR 265 Subpart CC)	40 CFR 262.34(a) 40 CFR 265.1084(a)(1)			X	
LDR waste determination	40 CFR § 268.7(a) 40 CFR § 268.9	X			
<b>PERSONNEL TRAINING REQUIREMENTS</b>					
Written Personnel Training Program	40 CFR § 262.34(a)(4) 40 CFR § 265.16(d)(3)	X			
Written job descriptions	40 CFR § 262.34(a)(4) 40 CFR § 265.16(d)(2), (3)	X			
Documentation of employee training	40 CFR § 262.34(a)(4) 40 CFR § 265.16(d)(4)	X			
Annual training updates	40 CFR § 262.34(a)(4) 40 CFR § 265.16(c)	X			
<b>PREPAREDNESS AND PREVENTION/CONTINGENCY PLAN REQUIREMENTS</b>					
Internal communications/alarms	40 CFR § 262.34(a)(4) 40 CFR § 265.32(a)	X			
External communications	40 CFR § 262.34(a)(4) 40 CFR § 265.32(b)	X			
Emergency response equipment	40 CFR § 262.34(a)(4) 40 CFR § 265.32(c), (d)	X			
Equipment testing	40 CFR § 262.34(a)(4) 40 CFR § 265.33	X			
Adequate aisle space	40 CFR § 262.34(a)(4) 40 CFR § 265.35	X			
Arrangements with Local Authorities	40 CFR § 262.34(a)(4) 40 CFR § 265.37	X			
Written Contingency Plan	40 CFR § 262.34(a)(4) 40 CFR § 265.51(a)	X			
Description of emergency actions	40 CFR § 262.34(a)(4) 40 CFR § 265.52(a)	X			

HAZARDOUS WASTE GENERATOR REQUIREMENT	REGULATORY CITATION(S)	COMPLIANCE?			COMMENTS
		YES	NO	N/A	
Emergency Coordinator list	40 CFR § 262.34(a)(4) 40 CFR § 265.52(d)	X			
Emergency Coordinator on-call	40 CFR § 262.34(a)(4) 40 CFR § 265.55	X			
List and locations of emergency response equipment	40 CFR § 262.34(a)(4) 40 CFR § 265.52(e)	X			
Evacuation plan	40 CFR § 262.34(a)(4) 40 CFR § 265.52(f)	X			
Contingency Plan submitted to Local Authorities	40 CFR § 262.34(a)(4) 40 CFR § 265.53(b)	X			
<b>SHIPPING REQUIREMENTS</b>					
Hazardous Waste Manifest	40 CFR § 262.20	X			
Land Disposal Restrictions Notification	40 CFR § 268.7	X			
Out-of-state manifesting requirements	40 CFR § 262.21			X	
Exception reporting	40 CFR § 262.42(a)			X	
<b>ON-SITE TREATMENT REQUIREMENTS</b>					
Treatment only in tanks, containers, containment buildings	40 CFR § 262.34(a)			X	
Notification of managing waste that is subsequently excluded	40 CFR 268.7(a)(6)				
Written Waste Analysis Plan (if treating to meet LDR standards)	40 CFR § 268.7(a)(5)				
Notification of characteristic HW treatment	40 CFR § 268.9(d)				
<b>CONTAINER STORAGE REQUIREMENTS</b>					
Marked with Accumulation Start Date	40 CFR § 262.34(a)(2)		X	X	FACILITY A CEG AT TIME OF INSPECTION 3 CONTAINERS OF URE FLUSH FROM LABORATORY (2001) STORED OPEN ON COTWALK, AND LAGERS
Marked with the words "Hazardous Waste"	40 CFR § 262.34(a)(3)		X		
Containers in good condition	40 CFR § 262.34(a)(1)(i) 40 CFR § 265.171				
Containers closed	40 CFR § 262.34(a)(1)(i) 40 CFR § 265.173		X		
Weekly inspections	40 CFR § 262.34(a)(1)(i) 40 CFR § 265.174				
Ignitable HW stored < 50 feet from property line	40 CFR § 262.34(a)(1)(i) 40 CFR § 265.176				
Containment structure for storage of > 100 containers	OAR 340-102-034(1)				
Control of Volatile Organic emissions <sup>1</sup>	40 CFR 262.34(a)(1)(i) 40 CFR 265.1087				

<sup>1</sup> For containers storing volatile organics not meeting Level 1 criteria (26.4 - 122 gal., DOT approved), evaluate for Level 2/Level 3 as applicable.

HAZARDOUS WASTE GENERATOR REQUIREMENT	REGULATORY CITATION(S)	COMPLIANCE?			COMMENTS
		YES	NO	N/A	
Satellite Accumulation - < 55 gallons	40 CFR 262.34(c)(1)			X	Facility in CEG at time of inspection  → FLASKS OF VISCOSITY MAY NOT LABELED.
S.A. - Under control of operator	40 CFR § 262.34(c)(1)				
S.A. - Removal of waste exceeding 55 gallons within 3 days	40 CFR § 262.34(c)(2)				
S.A. - Marked with container contents	40 CFR § 262.34(c)(1)(ii)		X		
S.A. - Containers closed	40 CFR § 262.34(c)(1)(i) 40 CFR § 265.173				
<b>TANK STORAGE REQUIREMENTS</b>					
Marked with the words "Hazardous Waste"	40 CFR § 262.34(a)(3)			X	
Professional Engineer's assessment of tank system	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.191(a) 40 CFR § 265.192(a)				
Secondary Containment	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.193				
S.C. - Specific design standards	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.193(d), (e)				
S.C. - Leak detection system	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.193(c)(3)				
S.C. - Removal of liquids from leak detection system within 24 hours	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.193(c)(4)				
Ancillary Equipment (either secondary containment or daily inspections)	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.193(f)				
Variance from secondary containment requirements	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.193(g)				
Daily inspections	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.195				
Notification to DEQ of tank system releases	40 CFR § 262.34(a)(1)(ii) 40 CFR § 265.196(d)				
Control of Volatile Organic emissions <sup>1</sup>	40 CFR 262.34(a)(1)(ii) 40 CFR 265.1085				

<sup>1</sup> If tank system is used for storage of volatile organics, evaluate compliance with 40 CFR 265.1085 on a site-specific basis.

HAZARDOUS WASTE GENERATOR REQUIREMENT	REGULATORY CITATION(S)	COMPLIANCE?			COMMENTS
		YES	NO	N/A	
<b>UNIVERSAL HAZARDOUS WASTE REQUIREMENTS</b>					
Containers labeled with contents	40 CFR 273.14			X	
Storage time limitations	40 CFR 273.15(b) 40 CFR 273.35(b)				
Inventory/dating system to demonstrate compliance with storage time limitations	40 CFR 273.15(c) 40 CFR 273.35(c)				
Shipment to UHW handler or TSD	40 CFR 273.18, 40 CFR 273.38				
Shipping documentation [Large Quantity Handlers (>5,000 kg) only]	40 CFR 273.39(b)				
Retain shipping documentation (3 years - Large Quantity Handlers only)	40 CFR 273.39(c)				
<b>USED OIL MANAGEMENT REQUIREMENTS</b>					
Containers/tanks in good condition	40 CFR 279.22(b)	X			UNLABELED TANK
Containers/tanks/fill pipes labeled "Used Oil"	40 CFR 279.22(c)		X		
Used Oil releases cleaned up	40 CFR 279.22(d)	X			
Used Oil either self-transported or transported by a registered transporter	40 CFR 279.24	X			

# DEQ Northwest Region Multi-Media Checklist



Inspector's Name: PAUL CHRISTIANSON Inspection Date: JUNE 29, 1999

Initiating Program: AQ WQ HW VCS UST SRS SAS SW (Circle One)

Nature of Visit: ☒ Regular Inspection ☐ Technical Assistance ☐ Complaint

Follow-up Action, Correspondence and/or Visits Planned? YES NO (Circle One)

Facility Name: TOGO DISTRIBUTION COMPANY - PORTLAND TERMINAL

Facility Address: 5528 NW DOANE STREET, PORTLAND, OR - MULTNOMAH COUNTY

Facility's Primary Business Activity: BULK PETROLEUM DISTRIBUTION SIC Code (if known): 5171

Does Facility Have any DEQ Permits? AQ WQ HW UST SW NONE (Circle One)

## INDUSTRIAL PROCESSES

- ☒ Chemical cleaning/degreasing ☐ Metal finishing or forming ☐ Printing ☐ Smelting/metal recovery
- ☐ Chemical formulating ☐ Painting/coating ☐ Sandblasting ☐ Steam/hydrocleaning
- ☐ Chemical stripping/etching ☐ Plating/anodizing ☐ Soldering ☒ Vehicle/equipment repair
- ☐ Other:

## ANCILLARY PROCESSES

- ☐ Boiler, incinerator or other device burning virgin fuel/waste: ☐ Underground storage tanks present:
- (a) ☐ insulation is torn or ragged (a) # \_\_\_\_\_
- (b) heat input rating (from boiler plate): \_\_\_\_\_ (b) # Vent Pipes \_\_\_\_\_
- (c) 1° fuel: ☐ natural gas ☐ oil ☐ other: \_\_\_\_\_ (c) # Fill Pipes \_\_\_\_\_
- (d) 2° fuel: ☐ natural gas ☐ oil ☐ other: \_\_\_\_\_ ☐ Aboveground storage tanks present: # \_\_\_\_\_

## WASTES & WASTEWATERS

(Please provide photos related to the subject areas marked below whenever possible.)

- ☐ Waste stored or disposed on-site in heaps/piles ☐ Uncovered storage of materials/ wastes
- ☐ Wastes stored or disposed in ponds, lagoons, surface impoundments, or sub-surface (septic) systems ☒ Wastes stored in:
- (a) ☒ Drums: marked ☐ unmarked
- (b) ☒ Tanks, describe markings: WASTEWATER TANKS & VENTS
- ☐ Possible discharge of wastewater or wash water to storm sewer or surface water
- ☐ Other:

## EVIDENCE OF CONTAMINATION

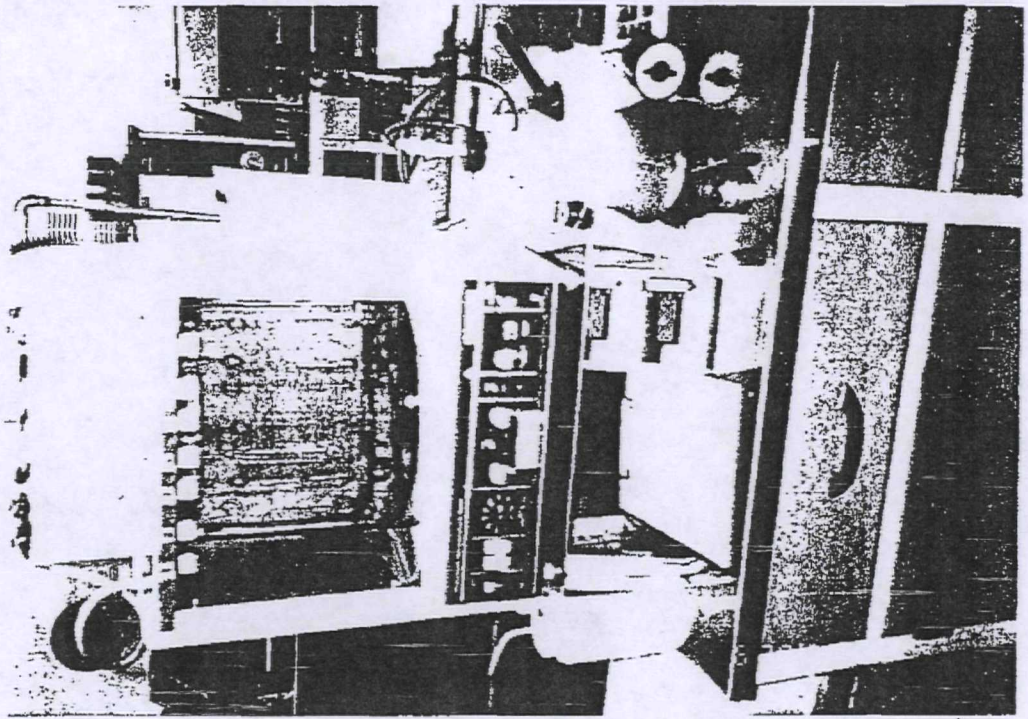
(Please provide photos related to the subject areas marked below whenever possible.)

- ☐ Odors ☐ Stains ☒ Possible on-going or recent discharge to ground
- ☐ Visible air emissions (other than steam) ☐ Evidence of open burning (e.g., ash pile)

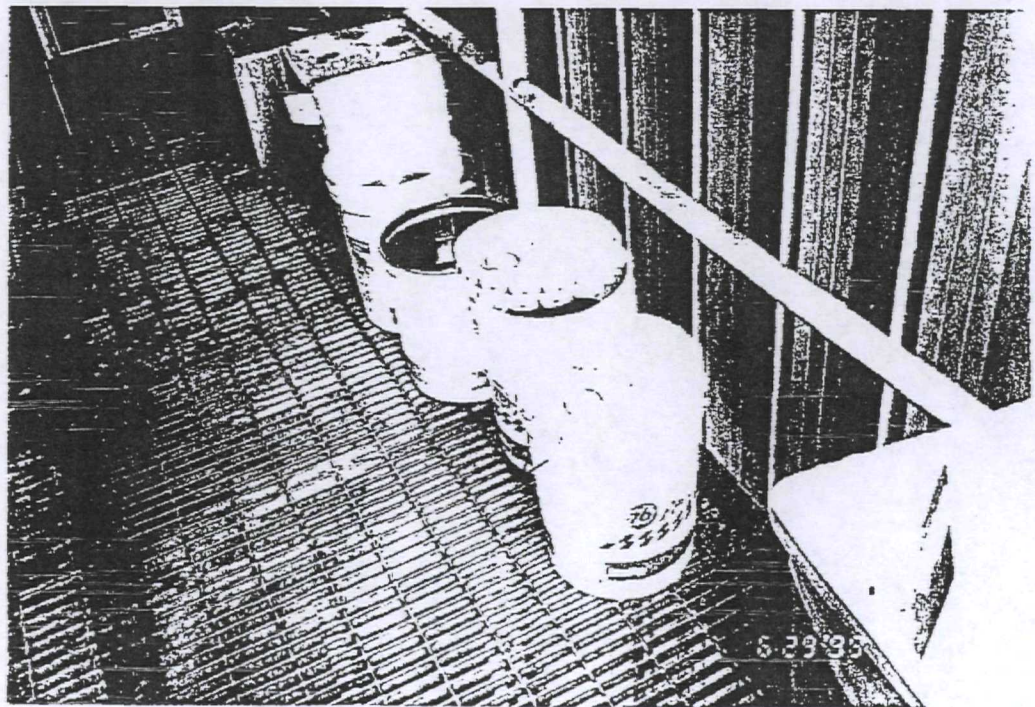
Describe if no photo:

**EXHIBIT 2**

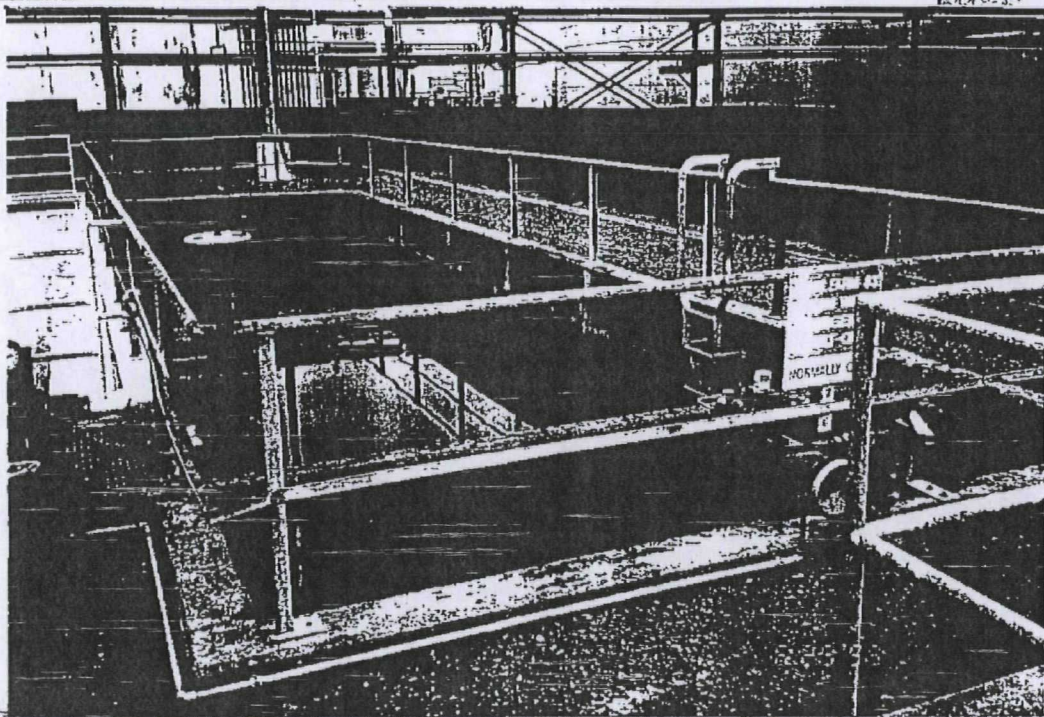
***INSPECTION PHOTOGRAPHS***



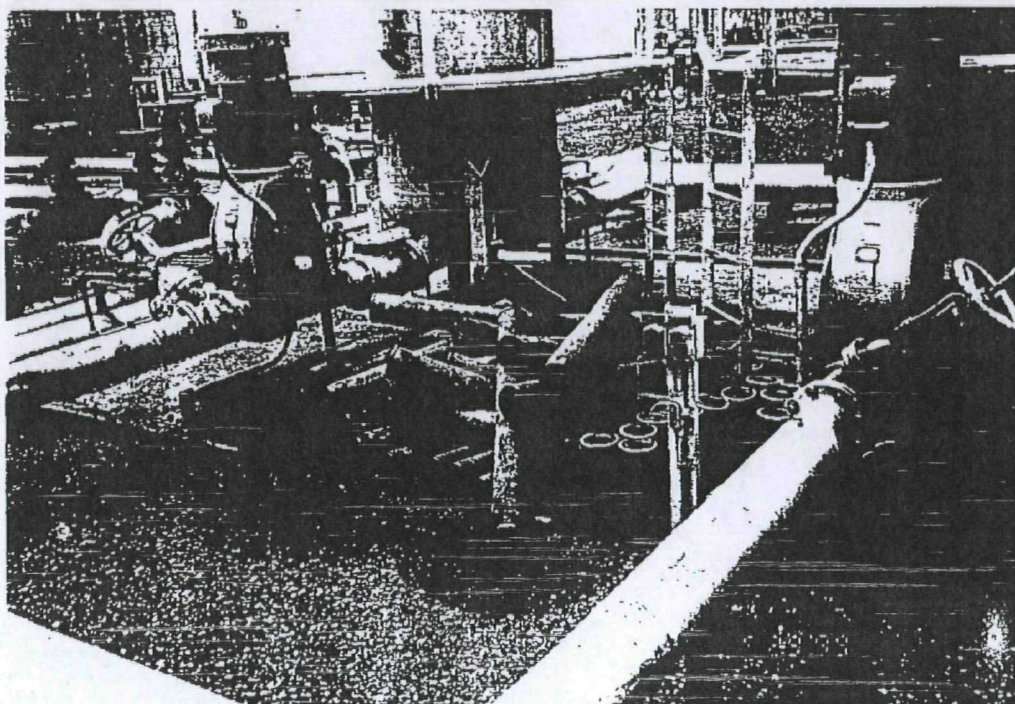
- 1 Viscosity measuring apparatus in laboratory; satellite accumulation container for waste flush (D001) indicated by arrow.



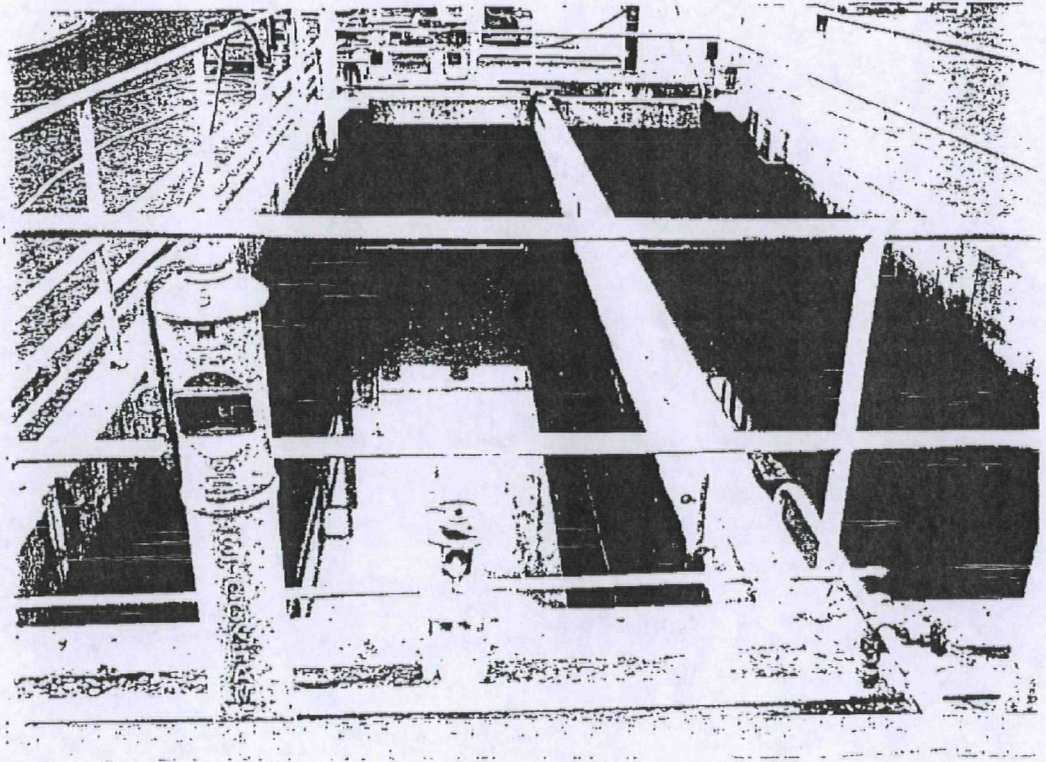
- 2 Four containers of waste flush (D001) stored on catwalk outside laboratory. Three containers open, no Hazardous Waste labels or accumulation start dates.



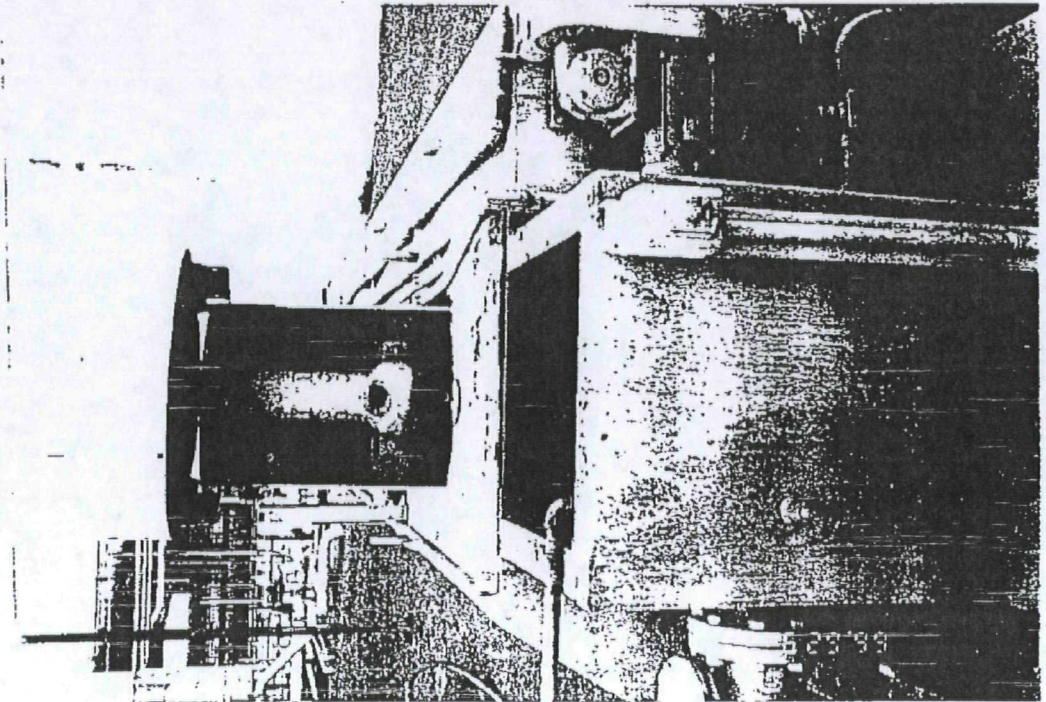
- 3 Oil/water separator for stormwater collection system; ultimately discharges to Willamette River under NPDES permit.



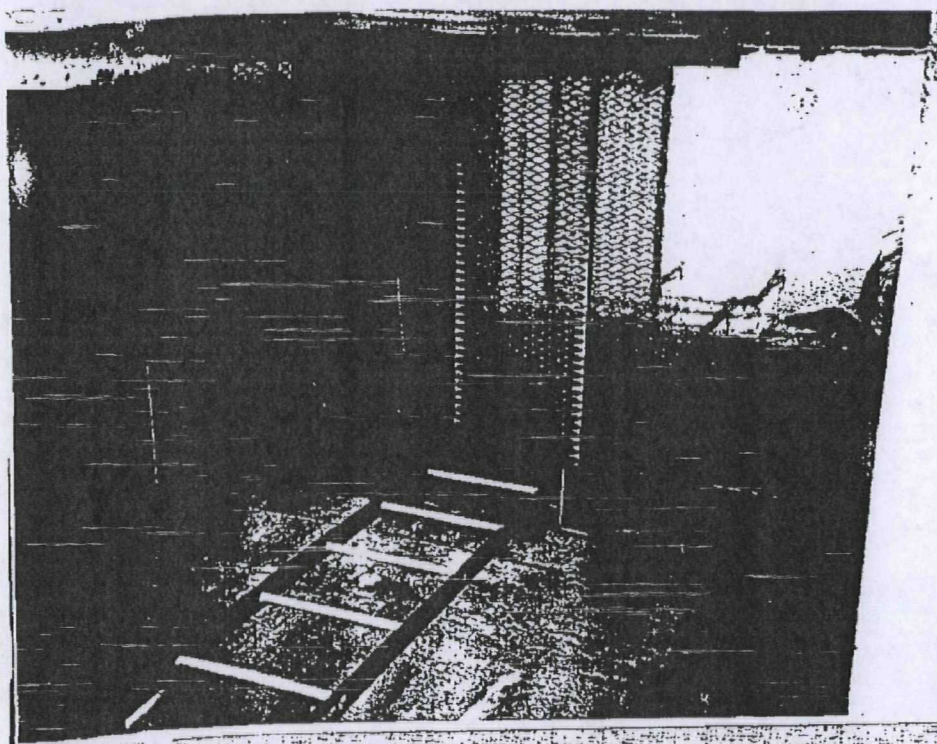
- 4 Diesel filters on concrete pad; staining on gravel is residual diesel that drained from pad.



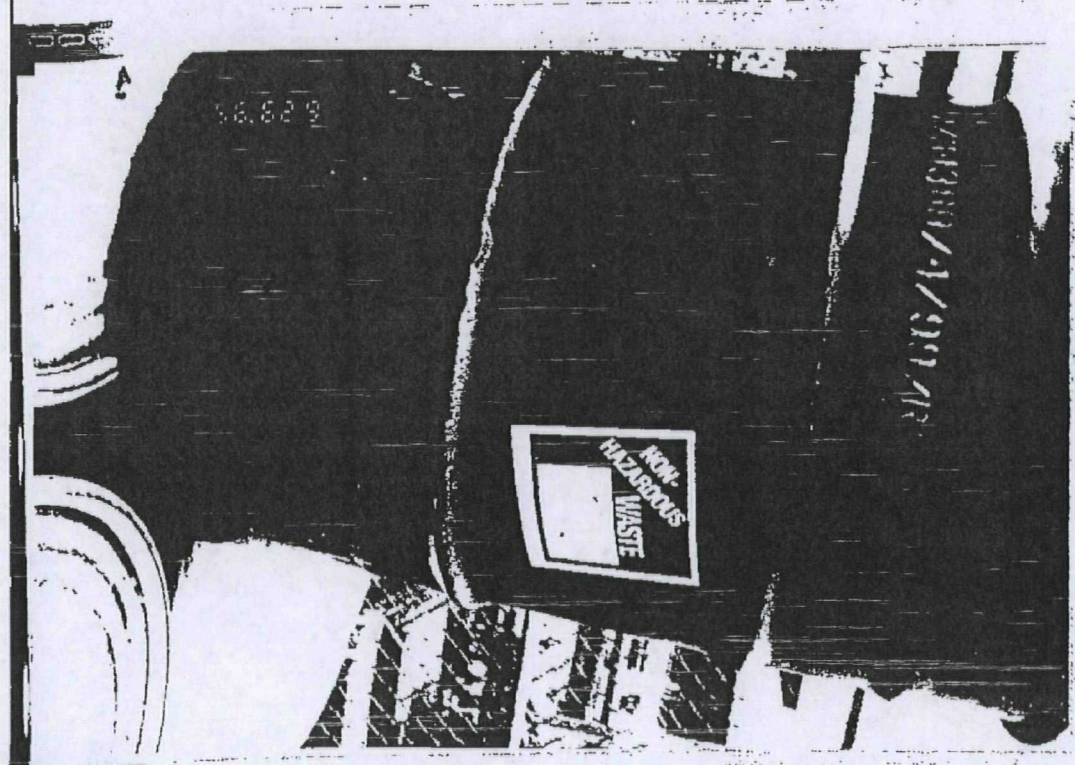
5 Oil/water separator for process wastewater; ultimately discharges to City of Portland POTW.



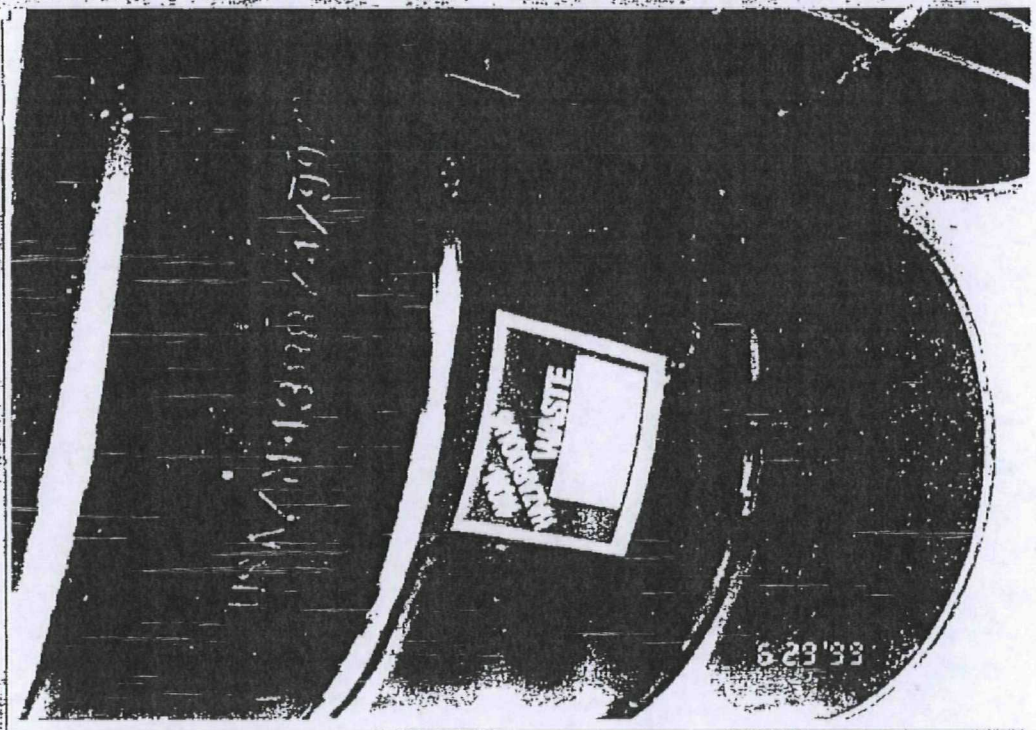
6 Dissolved Air Flotation (DAF) unit for process wastewater.



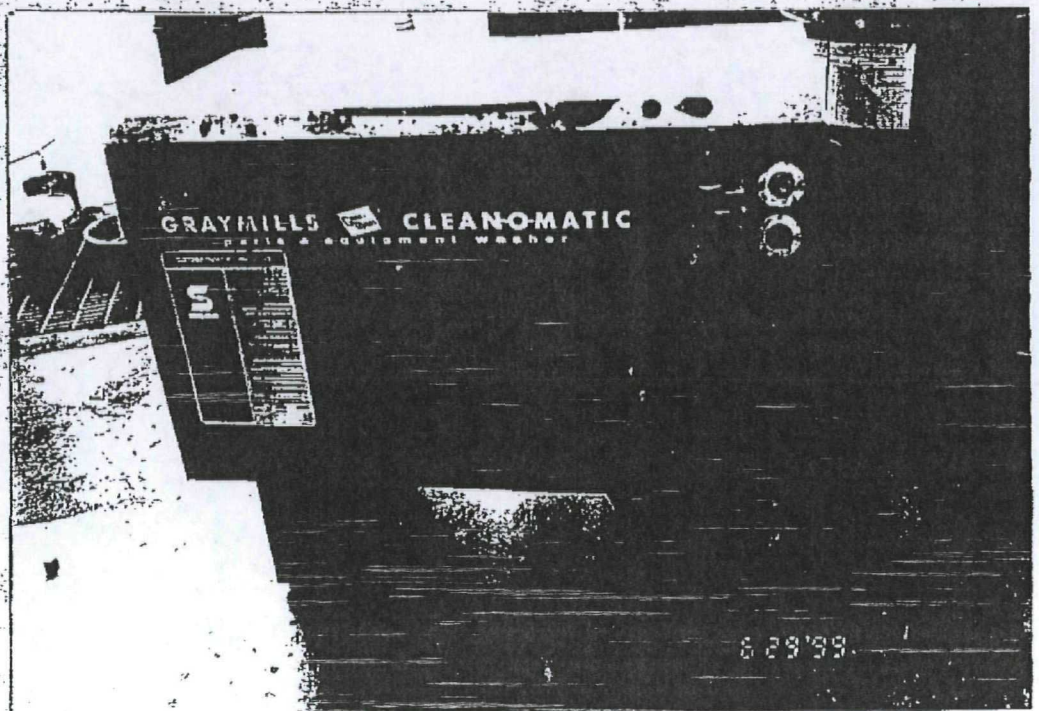
7 Process wastewater collection sump.



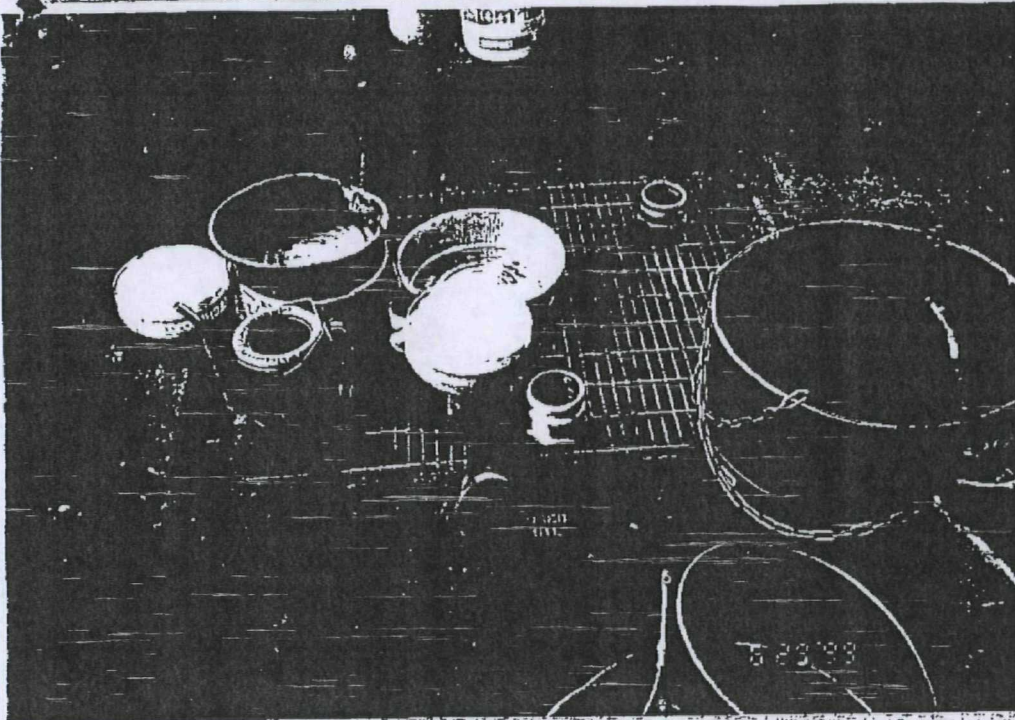
8 Container of tank bottoms from tank no. 3407, in drum storage area.



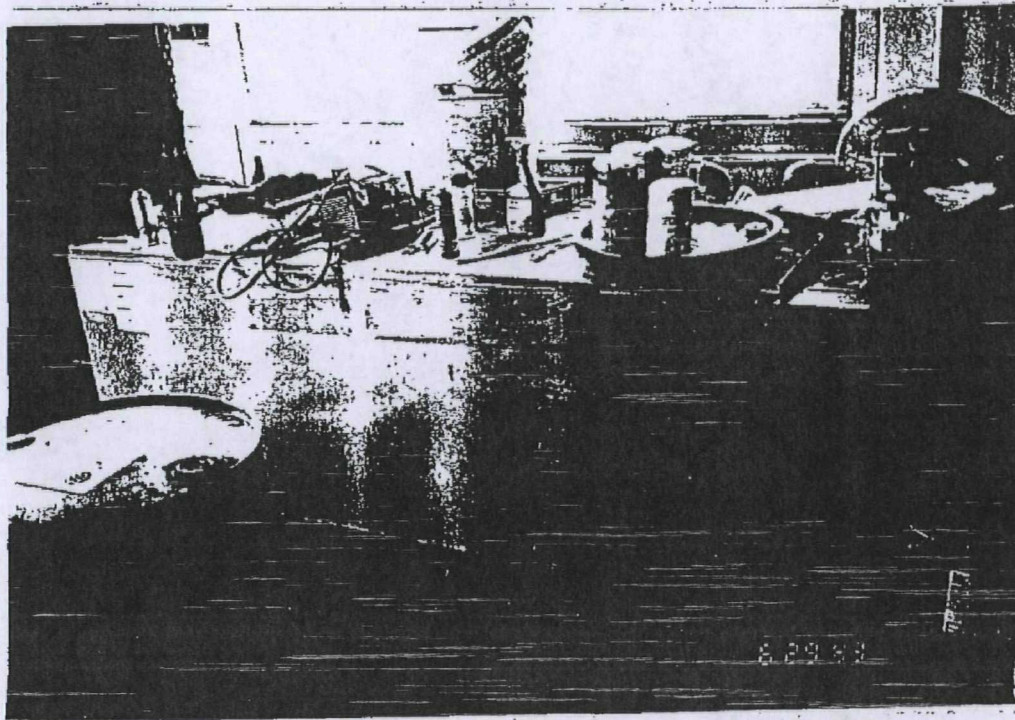
9 Container of tank bottoms from tank no. 3407, in drum storage area.



10 Parts cleaner unit in truck shop, uses kerosene (D001).



11 Oil sump in truck shop, labeled "used oil".



12 Onground tank for waste oil storage in truck shop, not labeled.